were part of the defendant's "right of way" and as such were not benefited by the improvement of the street. *Johnston City v. Chicago & Eastern R. R.* (1919, Ill.) 124 N. E. 568.

As a general rule land used solely as a railroad "right of way" is held not to be benefited by the improvement of an adjacent street and cannot be assessed. *Village of River Forest v. Chicago & Northwestern Ry.* (1902) 197 Ill. 344, 64 N. E. 364; *Chicago, M. & St. P. Ry. v. City of Milwaukee* (1895) 89 Wis. 506, 62 N. W. 417; *People ex rel. Davidson v. Gilon* (1891) 126 N. Y. 147, 27 N. E. 282; *City of Highwood v. Chicago & Northwestern Ry.* (1916) 276 Ill. 98, 114 N. E. 585. If, however, special benefit can be shown, for example, greater facility in reaching the station or buildings on a part of the "right of way," the power to assess may exist. *City of Kankakee v. Illinois Central R. R.* (1913) 257 Ill. 298, 100 N. E. 996; see *Hammett v. Philadelphia* (1870) 65 Pa. 146; but *cf. New York & New Haven R. R. v. City of New Haven* (1875) 42 Conn. 279. But a probable increase in freight traffic and general business is not considered to be a special benefit to the "right of way." *City of Kankakee v. Illinois Central R. R.* (1914) 264 Ill. 69, 105 N. E. 734. When land belonging to the railroad may and can be used for other purposes than that of a mere "right of way," the power exists to assess it for the improvements to the adjacent street. *New York, New Haven & Hartford R. R. v. City of New Britain* (1881) 49 Conn. 40. The soundness of the instant decision hinges on the assumption made by the court that the parcels of land in question were part of the "right of way" and were restricted to or permanently intended for that use only.

TAXATION—CONSTITUTIONALITY—PUBLIC PURPOSE—BOUNTIES—SOLDIERS' BONUS LAWS.—An action was brought to test the constitutionality of the Soldiers' Bonus Law and to restrain its enforcement. The act provided for the payment of ten dollars for each month of service, with a minimum of fifty dollars to each person who served in the armed forces of the United States during the war with Germany and Austria and who, at the time of induction, was a resident of Wisconsin "as a token of appreciation of the character and spirit of their patriotic service." Provision was made for special taxes to raise funds for such payments. *Held,* that such taxation was for a public purpose and therefore valid. *State ex rel. Atwood v. Johnson* (1919, Wis.) 175 N. W. 589.

Bounty acts passed by states since the Civil War have been generally sustained as expenditures of public funds for a public purpose, but the grounds for the decisions have varied. Some decisions proceed upon the theory that the interests of a state involve the preservation of the federal government, which bounties aid by encouraging enlistments. *Winchester v. Corinna* (1866) 55 Me. 9; *Booth v. Woodbury* (1864) 32 Conn. 118. Others support bounties because the obligations of service fall equally upon those not called into active service. *Cass Township v. Dillon* (1864) 16 Oh. St. 38; *Coffman v. Keightley* (1865) 24 Ind. 509; *contra, Ferguson v. Landram* (1866, Ky.) 1 Bush, 548. Bounties have also been sustained on the ground that a draft was thereby averted. *Hilbish v. Catherman* (1870) 64 Pa. 154; *Taylor v. Thompson* (1866) 42 Ill. 1. Where persons sued to recover bounties voted after their enlistment, recovery was denied upon the ground that there was no contractual duty to pay them the bounty which had been offered. *Amity Township v. Reed* (1869) 62 Pa. 442; *Greenwood v. DeKalb County* (1878) 90 Ill. 600. But where only the constitutionality of the payment was considered, bounties for previous enlistment were held valid. *Laughton v. Putney* (1871) 43 Vt. 485; *Brodhead v. Milwaukee* (1865) 19 Wis. 624. A bounty for the purpose of rewarding meritorious service and stimulating patriotism is valid. *Opinion of the Justices* (1912) 211 Mass. 608, 98 N. E. 338. The principal case seems in accord

with the authorities. A similar result has been reached by the Supreme Court of Minnesota in a recent case. *Gustafson v. Rhinow* (1920, Minn.) 175 N. W. 903

TORTS—LIBEL—TRADE PUBLICATION—CAUTIONARY HEADINGS.—The defendants were publishers of a weekly commercial newspaper, in which there appeared a list of names and addresses of traders and others, against whom decrees in absence had been obtained in the small debt courts. The list was popularly known as "Stubbs' Black List," although it was headed by a statement that "in no case does publication of the decree imply inability to pay on the part of any one named or anything more than the fact that the entry published appeared in the court books." The plaintiff's name appeared in the list by mistake. He brought an action for damages, claiming that the false publication implied that he "was given to refusing or delaying payment of his debts and was not a person to whom credit should be given." *Held,* that he should recover. *Stubbs, Limited v. Mazure* (1919, H. L.) 122 L. T. Rep. 5.

The principal case was distinguished from a previous case where the facts were identical, except that the plaintiff in that case alleged the innuendo that he was insolvent. It was there held that, when read in connection with the explanatory note, the alleged libelous imputation was not reasonable. *Stubbs, Limited v. Russell* (H. L.) [1913] A. C. 386. The question as to the effect of such a cautionary heading does not appear to have arisen in this country. It has been held that a false publication in a commercial paper, without such a heading, that a judgment had been rendered against a trader was not libelous *per se* and that proof of special damage was a condition precedent to recovery. *Giacona & Son v. Bradstreet Co.* (1896) 48 La. Ann. 1191, 20 So. 706; *Woodruff v. Bradstreet Co.* (1889) 116 N. Y. 217, 22 N. E. 354. The discussions in these cases were based on the ground that such a statement did not imply insolvency. The courts evidently did not consider the other innuendo, that the one named was slow to pay. But where a statement was published that a corporation had been sued for an amount greater than its capital stock, it was held to be libelous *per se*. *Pacific Packing Co. v. Bradstreet Co.* (1914) 25 Ida. 696, 139 Pac. 1007. Similarly, where it was falsely stated that a partnership had been "attached." *McKenzie v. Denver Times Pub. Co.* (1893) 3 Colo. App. 554, 34 Pac. 577. It seems clear that to charge a business man with a tendency to avoid the payment of his debts is libelous. *Cf. Nichols v. Daily Reporter Co.* (1905) 30 Utah, 74, 83 Pac. 573. The same is true of placarding a false debt of a private individual. *Cf. Thompson v. Adelberg & Berman* (1918) 181 Ky. 487, 205 S. W. 558. As to privilege in publications by trading associations, see (1919) 28 YALE LAW JOURNAL, 608. The decision in the principal case is salutary in that it distinctly limits the power of a publisher to avoid liability for false statements by merely printing a cautionary heading at the top of what is in fact known and used as a "black list." Such a headnote, it is submitted, does not in fact lessen the injurious character of the publication.